

Public Comments on Proposed changes to the Designated Surveillance Area (DSA) Administrative Rules of Montana

July 26, 2011

1. **COMMENT:** Who will pay for the tags for animals from the DSA?

RESPONSE: Montana livestock producers and veterinarians have several options of USDA-APHIS approved official identification tags. Approved tags include metal clip silver “Brite” tags, orange metal vaccination tags and some RFID tags. All 800 series RFID tags are accepted. Age and source 900 series tags are also allowed at this time, however, these tags will be phased out following publication of Federal identification regulations.

Currently, producers can order the silver, USDA-APHIS metal “Brite” tags from the Montana Department of Livestock (MDOL) or USDA-APHIS at no charge. These tags are assigned to an individual producer and can only be used in the assigned producer’s cattle. OCV tags (metal or RFID) are applied, by your veterinarian, to heifer calves at the time of vaccination.

2. **COMMENT:** What happens when an RFID tag falls out after an animal has crossed state lines and they don’t honor a brand as identification?

RESPONSE: Official identification tags have a high degree of retention when properly placed. Periodically however, even a properly placed tag may not stay in the animal’s ear for the entirety of its life. If an animal with a reportable disease is found in another state, all available identification, sale and movement data will be used to trace the animal to the likely source of infection.

States that do not utilize brands may have difficulty determining the state of origin if the only identification on the animal is a brand. It is important for the State of Montana and our producers that the origin of disease is found rapidly to prevent further spread within the source herd, statewide and nationally.

3. **COMMENT:** Why is the identification requirement suddenly changing when the only change in circumstances is bison leaving the park?

RESPONSE: The DSA identification requirement has been proposed in response to three states, Nebraska, Colorado and South Dakota, which have adopted identification requirements. Each state requires that all sexually intact cattle and bison that have been within the DSA at any time, regardless of age are officially individually identified. Although the three states listed above have similar requirements, they vary enough to cause some confusion and difficulty for Montana producers.

With a uniform DSA identification requirement, it is less likely that additional states will impose their own somewhat varying regulations.

Additionally, the proposed identification requirement is consistent with Federal Identification regulations that are scheduled for publication in 2012.

While Yellowstone National Park bison management is related to the brucellosis issue in Montana, it does not have a bearing on the proposed identification rule change.

4. **COMMENT:** Cattle that have been brucellosis tested have official identification. Therefore, the impact of the identification requirement should be low.

RESPONSE: MDOL agrees with this comment. Brucellosis tested animals must have official individual identification. Previous regulation already required certain classes of cattle and domestic bison, such as tested animals, brucellosis vaccinated animals, and all animals 12 months of age and older within the DSA, to be identified. The animals affected by this proposed regulation are sexually intact cattle and domestic bison less than 12 months of age that have not been vaccinated and are not test eligible; typically feeder heifers.

5. **COMMENT:** Carbon County should be included in the DSA because that's where the first positive case in cattle occurred.

RESPONSE: The epidemiologic investigation of the 2007 brucellosis affected herd concluded that the most likely source of exposure for the index animal was in Park County, Montana where the animal was raised after weaning and bred before returning to Carbon County.

A recent DNA "fingerprint" analysis has given us some additional insight into the 2007 affected cattle herd. This analysis states that *Brucella* isolated from wildlife near Yellowstone National Park show a "rather close DNA kinship, by *Brucella* standards" to the 2007 isolate. Therefore, while not entirely eliminating the concern over more widely distributed wildlife brucellosis, this new information supports MDOL's prior conclusion that exposure took place in the Greater Yellowstone Area.

Additionally, consultations with FWP suggests that there is little likelihood of brucellosis positive elk from Wyoming moving north in that section of the state.

Lastly, MDOL analyzed over 14,000 samples from Carbon County since 2007 with no additional positive samples aside from those related to the affected herd.

Elk brucellosis surveillance will continue along the boundary of the DSA to gather information needed to protect Montana producers as well as the industry.

6. **COMMENT:** If the boundaries are changed, will the newly added DSA producers be required to test their entire herds like the current DSA producers were?

RESPONSE: While the rules no longer include entire herd testing, producers within or utilizing land within the proposed DSA adjustment will be subject to all current ARM, including testing prior to change of ownership and movement, brucellosis vaccination and identification requirements. Some producers may choose to perform an entire herd test to allow for early detection of disease or to establish or maintain certified brucellosis-free herd status.

7. **COMMENT:** What percentage of seropositive elk found outside the current DSA will create further change in the boundaries? There needs to be some sort of standard.

RESPONSE: A set seroprevalence is difficult if not impossible to establish with information currently available regarding brucellosis in elk, highlighting the need for additional research and surveillance. The amount of risk that an out of state producer or importing state is willing to accept is generally close to zero.

8. **COMMENT:** If an elk is found to be seropositive for brucellosis on an initial test, but is retested at a later date and doesn't shed anymore, how will that impact FWP's role in helping producers in the DSA as well as determining how boundaries are redrawn in the future?

RESPONSE: Seropositive elk have been exposed to Brucella and may or may not be able to transmit the disease. At this time we are unsure of how long an exposed elk remains infective or even seropositive. Information regarding how long and when an infected elk sheds Brucella is essential and highlights the need for additional research. MDOL continues to support FWP's efforts to attempt to answer some of these questions with elk live-capture studies.

9. **COMMENT:** Is APHIS going to require identification on anything that moves across state lines within the next two years?

RESPONSE: The Federal animal identification regulations will likely be published sometime in 2012. These regulations will initially require official individual identification of sexually intact cattle and domestic bison 18 months of age and older for interstate movement. Additional regulations will phase in over time to include identification of all classes and ages of cattle and domestic bison.

10. **COMMENT:** Old bulls should not be included in the identification requirements because tags do not stay in their ears, tattoos cannot be read after a couple of years, and they are low risk animals.

RESPONSE: While MDOL acknowledges that infected bulls present a low risk of brucellosis transmission, we feel that it is necessary to individually identify bulls leaving the DSA for three reasons;

1. To avoid confusion with South Dakota, Colorado, and Nebraska (three of Montana's top export States) that already require identification of all sexually intact cattle.
2. To comply with the expected federal identification rule.
3. Continued traceability and trading partner assurance. It is important for Montana to be able to trace disease to the source herd in a timely manner, even if the disease was found in a bull at slaughter.

11. **COMMENT:** Risk of exposure to brucellosis and timing need to be considered prior to expanding the DSA. It has been suggested that the proposed area is not as likely to have elk abortions occurring while the livestock are in the area.

RESPONSE: Brucella exposed and or infected elk do exist within the proposed DSA adjustment boundary and therefore it is necessary that cattle utilizing this area are included in brucellosis surveillance. Ranches within the DSA may be granted variances based on best management practices, exposure, as well as disease mitigation techniques through the development of a voluntary Brucellosis Prevention and Surveillance Herd Management Plan (Herd Plan).

12. **COMMENT:** I support adjusting the DSA boundary and relying on disease mitigation activities to prevent the transmission of brucellosis from wildlife to cattle.

RESPONSE: Brucellosis in wildlife poses a serious risk to the Montana beef industry. It is important to continue surveillance and mitigation activities in an area where the threat of transmission from wildlife to cattle exists. Protecting Montana's cattle and domestic bison producers from the negative economic impact of disease within their herd as well as potentially costly and varying import restrictions imposed by other states is important to the economic well-being of the State.

- 13. COMMENT:** There haven't been enough elk tested outside the DSA to justify the boundaries.
RESPONSE: A live-capture elk study was recently performed in the Ruby Range southeast of Dillon, MT (outside the DSA boundary). 100 elk were captured and tested for exposure to Brucella. Of the 100 elk captured and tested, twelve were determined to have been exposed. Elk found to be positive on the field test were collared to gather movement data.

This study, in combination with hunter harvest elk tests confirms the presence of brucellosis in this area.

- 14. COMMENT:** Using county roads as the boundaries for the DSA doesn't make sense because of the changing elk movement patterns due to hunter pressure and wolf predation. It would make more sense for the boundary to be I-15 from the Montana/Idaho border to Butte, then I-90 from Butte to Big Timber.

RESPONSE: A recognizable boundary is important for producer awareness as well as for enforcement. The location of the boundary is based on seropositive elk locations and movement patterns obtained through consultation with FWP.

- 15. COMMENT:** We recommend caution over adding the Ruby Mountain Area into the DSA as all kinds of new restrictions, testing and vaccination requirements come with that change.

RESPONSE: It has been well documented that brucellosis exposed elk exist within the boundary described by the proposed rule well. Calfhood vaccination is required county wide as well as within the DSA. Entire herd testing is no longer required for DSA producers. Additionally, MDOL supports the costs of testing and adult vaccination as much as possible through veterinarian as well as producer reimbursement.

- 16. COMMENT:** The rule change is too extreme for just finding the increased sero-prevalence in one group of animals. What if additional studies don't corroborate this finding?

RESPONSE: Elk surveillance will continue in locations in and around the DSA. If future data proves that brucellosis exposed elk do not exist within this boundary adjustment, then the Board of Livestock would consider adjusting the boundary accordingly.

- 17. COMMENT:** Producers and others may not understand they are going to be impacted by the rule change and suggest that a map be developed and circulated showing the changes. Further, how many producers/cattle/bison will be affected by this change in DSA area called for in 32.3.233?

RESPONSE: MDOL made a concerted effort to inform producers in this area and gather input. A producer meeting was held in Dillon and Alder to address the recent elk study and to speak with producers that would be affected by a DSA boundary adjustment due to the results. A map of the proposed boundary was made available to those in attendance. Additionally, a description of boundary was mailed to all DSA producers as well as many in the proposed adjustment area.

- 18. COMMENT:** It is important that the DSA be extended into areas where wildlife has been documented to have a positive titer to brucellosis. The new boundaries identified are acceptable.

RESPONSE: It is important to the producers of Montana, our trading partners and their animal health officials that brucellosis risk mitigation efforts and surveillance continue in areas where brucellosis exposed elk exist.

19. COMMENT: It is important that all sexually intact cattle and domestic bison leaving a DSA be identified. Arrangements should be made in management plans to accommodate this ID on an individual basis.

RESPONSE: Traceability for disease purposes is essential to protect the marketability of Montana livestock nationally and internationally. With the development of a herd plan, producers may be allowed variances to the requirement of identification prior to leaving the DSA. With the herd plan, animals are identified, often through OCV, after returning to the ranch of origin outside of the DSA

20. COMMENT: It is important that bulls be identified also. The rationale behind this is that they would be attracted to an aborted fetus or re-breeding a positive female and are included in the MCI trace back program. This would keep us in better standing with other states. Even though bulls represent less risk, they are a good indicator of disease presence and can help identify an infected herd earlier.

RESPONSE: Please see the response to #10

21. COMMENT: the rules need to be enforceable and enforced, and there must be good communication among all those involved.

RESPONSE: Enforcement is important and occurs at the time of change of ownership. Local brands officials should inform the producer of animal health noncompliance issues and inform their district or area brands law enforcement supervisor or the Animal Health office. Communication is extremely important and the MDOL strives to maintain it.

22. COMMENT It is important that the Montana Fish and Game continue sampling areas outside of established DSA's to help the cattle industry determine the areas where best management practices should be used to protect our herds and markets. The new boundaries identified are acceptable.

RESPONSE: MDOL will continue to work to obtain funding for elk brucellosis surveillance in areas outside of the DSA. Determining the range of brucellosis infected or exposed wildlife is important to determine the areas where livestock disease surveillance and mitigation should take place.

23. COMMENT: The DOL should be careful to monitor FWP hazing of elk from within the DSA to areas outside the DSA. It has little impact on FWP, but a lot on producers.

RESPONSE: MDOL's priority is to protect Montana's livestock industry from disease. Hazing of potentially diseased elk into areas with elk not known to be infected should be avoided. We believe that FWP is aware of our concern and does not desire to potentially affect unexposed elk herds. MDOL will continue to work closely with FWP to avoid placing additional livestock at risk.